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TRANSLATION (HM-655PCT -- IPER)

TREATY ON INTERNATIONAL COOPERATION IN THE AREA OF PATENTS

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT ON PATENTABILITY

(Chapter II of the Treaty on International Cooperation in the Area of Patents)

Applicant's or Agent's File Ref. 41 743.fl.sev	FOR FURTHER ACTION		See Form PCT/IPEA/416
International Application No. PCT/EP2004/002573	International Filing Date (Month/Day/Year) March 12, 2004	Priority Date (Month/Day/Year) March 22, 2003	
International Patent Classification (IPC) or National Classification and IPC B21B13/06, B21B35/06			
Applicant SMS DEMAG AKTIENGESELLSCHAFT et al.			

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 pages, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES; these comprise</p> <p>a. <input checked="" type="checkbox"/> (sent to the applicant and the International Office) a total of 3 pages; these are</p> <ul style="list-style-type: none"> <input type="checkbox"/> pages of the description, claims, and/or drawings which have been amended and are the basis for this report and/or pages containing rectifications that have been approved by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> pages that replace earlier pages but which, for the reasons given in field No. 1, item 4 and in the supplementary field, in the opinion of this Authority, contain a change that goes beyond the disclosed contents of the international application in the version originally submitted. <p>b. <input type="checkbox"/> (sent only to the International Office): (please specify the type and number of the electronic data carrier(s)), which contain a sequence listing and/or the tables that belong to it, only in computer-readable form, as specified in the supplementary field regarding the sequence listing (see Section 802 of the Administrative Instructions)</p>	
<p>4. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Field No. I Basis of the report <input type="checkbox"/> Field No. II Priority <input type="checkbox"/> Field No. III Non-establishment of opinion with regard to novelty, inventive activity, and commercial viability. <input type="checkbox"/> Field No. IV Lack of unity of invention. <input checked="" type="checkbox"/> Field No. V Substantiated determination under Article 35(2) with regard to novelty, inventive activity, and commercial viability; citations and explanations supporting such statement. <input type="checkbox"/> Field No. VI Certain documents cited <input type="checkbox"/> Field No. VII Certain defects in the international application <input type="checkbox"/> Field No. VIII Certain observations on the international application 	

Date of submission of the petition: September 25, 2004	Date of completion of this report: January 5, 2005
Name and mailing address of the office assigned to perform the preliminary examination: European Patent Office D-80298 Munich Tel: +49 89 2399-0 Tx: 523656 epmu d Fax: +49 89 2399-4465	Authorized Officer: Forciniti, M. Tel: +49 89 2399-7903

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT ON
PATENTABILITY**

International File No.: **PCT/EP2004/002573**

Field No. I Basis of the Report

1. With respect to the **language**, the report is based on the international application in the language in which it was submitted unless otherwise indicated under this item.
- ☐ The report is based on a translation from the original language into the following language, which is the language of the translation, which was submitted for the following purpose:
- ☐ international search (under Rules 12.3 and 23.1 b))
 - ☐ publication of the international application (under Rule 12.4).
 - ☐ international preliminary examination (under Rule 55.2 and/or Rule 55.3).
2. With regard to the **constituent parts*** of the international application, the report is based on *(replacement pages which were submitted to the application office in compliance with a request according to Article 14 are considered "originally filed" in the context of this report and are not attached to the report)*:

Specification, pages:

1-5, 7	as originally filed
6	received on November 17, 2004 with letter dated November 16, 2004

Claims, Nos.:

1-8	received on November 17, 2004 with letter dated November 16, 2004
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Drawings, Pages:

1/1	as originally filed
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☐ a sequence listing and/or any accompanying tables – see supplementary field regarding the sequence listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description: pages
- ☐ the claims: Nos.
- ☐ the drawings: sheets/figures:
- ☐ the sequence listing (*exact details*):
- ☐ any tables belonging to the sequence listing (*exact details*):

4. ☐ This report has been prepared as if (some of) the amendments attached to this report and listed below had not been made, since for the reasons specified in the supplementary field they are considered by this Authority to go beyond the disclosure as originally filed (Rule 70.2 c)).

☐ the description: pages

☐ the claims: Nos.

☐ the drawings: sheets/figures:

☐ the sequence listing (*exact details*):

☐ any tables belonging to the sequence listing (*exact details*):

* If Item 4 applies, some or all of these pages can be furnished with the comment "replaced."

Field No. V Substantiated determination according to Article 35(2) with respect to novelty, inventive activity, and commercial viability; documents and declarations in support of this determination.

1. Determination

Novelty (N)	Yes:	Claims 1-8
	No:	Claims
Inventive Activity (AI):	Yes:	Claims 1-8
	No:	Claims
Commercial Viability (CV):	Yes:	Claims 1-8
	No:	Claims

2. Documents and Declarations (Rule 70.7):

See attached page.

**INTERNATIONAL PRELIMINARY
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PATENTABILITY (ATTACHED PAGE)**

International File No.: **PCT/EP2004/002573**

Re Point V.

1. The following document is cited in the present office action:

D2: EP 0 491 785 A (DAVY MCKEE SHEFFIELD) July 1, 1992 (1992-07-01)

2. Independent **Claim 1**:

- 2.1 The present application satisfies the requirements of Article 33(1) PCT, because the object of **Claim 1** is novel in accordance with Article 33(2) PCT.

Document **D2**, which is regarded as the closest prior art, discloses an:

Edging mill (Claim 1, sole figure) for hot operation, with a pair of rolls (1), which are arranged with their center axes vertical, can be adjusted (15, 70) relative to each other, and are connected by means of cardan shafts (31, 32, 33, 34, 35) to a **stationary** rotary drive (23, 24, 25) **installed below the mill floor level**.

The object of **Claim 1** thus differs from **D2** by virtue of the fact that

- (i) A single drive motor acts as the rotary drive.
- (ii) The drive motor is connected with the cardan shafts that drive the rolls by one transmission each.

- 2.2 The features according to (i) and (ii) achieve the objectives of reducing wear and improving the accessibility of the plant (see also page 1, lines 25-33) in a way that is not obvious from the prior art. The object of **Claim 1** is thus based on inventive activity (Art. 33(3) PCT).

3. Dependent **Claims 2-8**:

These claims further develop the object of Claim 1 and thus also satisfy the requirements of the PCT with respect to novelty and inventive activity.

4. The object of **Claims 1 to 8** is unquestionably commercially viable.